

AMENDED IN SENATE JUNE 22, 2010

AMENDED IN SENATE MAY 6, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2243

Introduced by Assembly Member Smyth

February 18, 2010

An act to amend Section 54.25 of the Civil Code, relating to civil law.

LEGISLATIVE COUNSEL'S DIGEST

AB 2243, as amended, Smyth. Civil law: search and rescue dogs.

Existing law provides that a peace officer or firefighter assigned to a canine unit, who is assigned to duty away from his or her home jurisdiction because of a declared federal, state, or local emergency, and in the course and scope of his or her official duties, may not be discriminated against in hotels, lodging establishments, eating establishments, or public transportation by being required to pay an extra charge or security deposit for the peace officer's or firefighter's dog. Existing law provides a civil fine for the violation of those rights.

This bill would also prohibit that discrimination against the handler of a search and rescue dog, as defined. The bill would also prohibit those entities from denying service to the peace officer, firefighter, or handler based on the presence of the dog. The bill would also expand the circumstances to include when the peace officer, firefighter, or handler is away from his or her home jurisdiction because of an official mutual aid request or training.

Existing law provides that the peace officer's law enforcement agency or the firefighter's fire agency is liable for any damages to the premises or facilities caused by the peace officer's or firefighter's dog.

The bill would require the handler to be liable for any damages to the premises or facilities caused by the search and rescue dog.

The bill would state that nothing in the above-described provisions is intended to prevent the removal of the search and rescue dog in the event the search and rescue dog creates an excessive disturbance to the quiet enjoyment of the property, provided that the peace officer, firefighter, or handler of the search and rescue dog is given at least one warning notice of the excessive disturbance and an opportunity to correct the disturbance.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 54.25 of the Civil Code is amended to
2 read:

3 54.25. (a) (1) A peace officer or firefighter assigned to a
4 canine unit or the handler of a search and rescue dog assigned to
5 duty away from his or her home jurisdiction because of a declared
6 federal, state, or local emergency, or an official mutual aid request
7 or training, and in the course and scope of his or her duties shall
8 not be denied service based on the presence of the dog or
9 discriminated against in hotels, lodging establishments, eating
10 establishments, or public transportation by being required to pay
11 an extra charge or security deposit for the dog. However, the peace
12 officer's law enforcement agency, the firefighter's fire agency, or
13 the handler of a search and rescue dog shall be liable for any
14 damages to the premises or facilities caused by the dog.

15 (2) Any person, firm, association, or corporation, or the agent
16 of any person, firm, association, or corporation that prevents a
17 peace officer or a firefighter assigned to a canine unit and his or
18 her dog or the handler of a search and rescue dog and his or her
19 dog from exercising, or interferes in the exercise of, the rights
20 specified in this section is subject to a civil fine not exceeding one
21 thousand dollars (\$1,000).

22 (b) For purposes of this section, the following definitions apply:

1 (1) “Declared emergency” is any emergency declared by the
2 President of the United States, the Governor of a state, or local
3 authorities.

4 (2) “Handler of a search and rescue dog” means a person in
5 possession of a dog that is in training to become registered and
6 approved as a search and rescue dog, or that is currently registered
7 and approved for tasks, including, but not limited to, locating
8 missing persons, discovering controlled substances, explosives,
9 or cadavers, or locating victims in collapsed structures, and
10 assisting with peace officer on-command searches for suspects
11 and victims at crime scenes.

12 (3) “Peace officer’s or firefighter’s dog” means a dog owned
13 by a public law enforcement agency or fire department and under
14 the control of a peace officer or firefighter assigned to a canine
15 unit that has been trained in matters, including, but not limited to,
16 discovering controlled substances, explosives, cadavers, victims
17 in collapsed structures, and peace officer on-command searches
18 for suspects and victims at crime scenes.

19 (4) “Search and rescue dog” means a dog that is officially
20 affiliated with, or sponsored by, a governmental agency and that
21 has been trained and approved as a search and rescue dog, or that
22 is currently registered and approved for search and rescue work
23 with a search and rescue team affiliated with the California
24 Emergency Management Agency. The term also includes a dog
25 that is in training to become registered and approved for that work.

26 (c) Nothing in this section is intended to affect any civil
27 remedies available for a violation of this section.

28 (d) This section is intended to provide accessibility without
29 discrimination to a peace officer or firefighter with a peace officer’s
30 or firefighter’s dog or a handler of a search and rescue dog with a
31 search and rescue dog in hotels, lodging places, eating
32 establishments, and public transportation.

33 *(e) Nothing in this section is intended to prevent the removal of*
34 *the search and rescue dog in the event the search and rescue dog*
35 *creates an excessive disturbance to the quiet enjoyment of the*
36 *property. In the event of an excessive disturbance, the peace officer,*
37 *firefighter, or handler of the search and rescue dog shall be given*
38 *a minimum of one warning notice of the excessive disturbance and*
39 *an opportunity to correct the disturbance. The mere presence of*
40 *the dog within the hotel, lodging establishment, food establishment,*

1 *or public transportation shall not be considered an excessive*
2 *disturbance.*

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